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A GUIDE TO RELEASE REPORTING

Alberta Environmental Protection and Enhancement Act

Alberta Environment Publication No. 1/792

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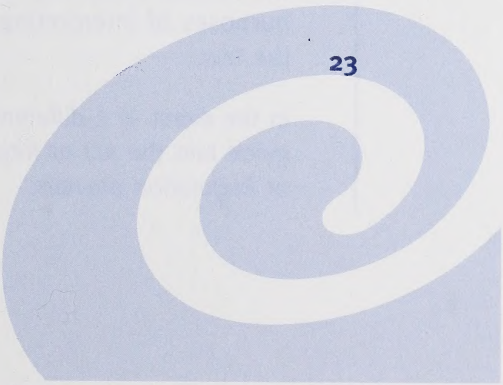


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This book is printed on 100% post-consumer material, processed chlorine free. By using this paper, Alberta Environment saved the following resources: 23 fully grown trees, 37,684 litres of water, 17 million BTUs of energy, 499 kilograms of solid waste and 987 kilograms of greenhouse gases [all calculations based on research done by Environmental Defense (U.S.)].

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This guide is not a substitute for the law. Please consult the *Environmental Protection and Enhancement Act* and the *Release Reporting Regulation* for all purposes of interpreting and applying the law.

In the event of a difference between this guide and the *Act* or *Regulation*, the *Act* or *Regulation* prevails.

INTRODUCTION

This guide is designed to clarify the reporting requirements contained in the *Environmental Protection and Enhancement Act* and the *Release Reporting Regulation*.

The Environmental Protection and Enhancement Act requires that any release of a substance into the environment that could cause an adverse effect be reported to Alberta Environment.

The *Release Reporting Regulation* sets out what must be reported, when, how and to who reports must be made.

Individual approvals and codes of practice may also have requirements for reporting contraventions of the terms and conditions of an approval or code of practice, monitoring results and sampling programs. Please consult your approval or registration, or contact Alberta Environment, if you have questions about these reporting requirements.

WHEN TO REPORT A RELEASE

Any spill, release or emergency that **may** cause, **is** causing or **has** caused an adverse effect to the environment must be immediately reported to Alberta Environment.

Prompt reporting assists in ensuring adverse impacts are addressed properly and minimized if possible, and directly affected parties are notified.

An adverse effect may be difficult to determine, depending on the chemical and physical characteristics of the substance released and where it was released. If you are uncertain about the potential for adverse effects, it is recommended that you report the release.

Releases can occur quickly, or over a long period of time. Numerous small releases can result in a potential adverse effect even if the individual release itself may not.

To be reportable, the release must be into the environment. For example, a spill that is fully contained within a building, including odours, is not considered a release into the environment. However, if there is any possibility of odours venting from the building into the environment, Alberta Environment should be notified.

WHO SHOULD REPORT

You must report a release if you are:

- The person who releases, causes or permits the release of the substance
- The person having control of the substance that is released (unless they have reasonable grounds to believe that the release has already been reported)
- A police officer or employee of a local or public authority who is informed of, or who investigates, a release of a substance (unless they have reasonable grounds to believe it has already been reported)
- Anyone becoming aware of the release

Local authorities should establish appropriate training and response systems and immediately notify Alberta Environment of releases.

HOW TO REPORT

Report Immediately

Releases must be reported to Alberta Environment at the **first available opportunity**, as soon as the person responsible knows, or should know, about the release. Reports can be made:

- By phoning **1-800-222-6514** (toll-free, 24 hours-a-day) or (780) 422-4505 or
- In person at any Alberta Environment office

Electronic reporting **may** also be available in some areas. For further information please contact Alberta Environment.

What to Report

When reporting, please provide:

- The location and time of the release
- A description of the circumstances leading to the release
- The type and quantity of substance released
- The details of any action proposed or taken at the release site
- A description of the immediate surrounding area

A reference number will be issued to confirm that the report was made.

Other Required Reporting

You must also report to the following people unless you know that they are already aware of the release:

- The owner or person with control of the substance (if you know or can find out who it is)
- Your employer, supervisor or manager
- Any other person who you know, or should know, may be directly affected by the release

Written Reports

The person responsible must submit a written report to the Alberta Environment Director within **seven days** of the initial immediate report.

The Director may waive the requirement for a written report if the immediate report was sufficient and no adverse effects are likely from the release. You may request a waiver at the time that the initial report is being made. **Unless and until the Director has granted a waiver, you must submit a written report.**

Written reports can be faxed to **(780) 427-3178** or mailed to:

**Alberta Environment
Environmental Response Centre
111 Twin Atria Building
4999 – 98 Avenue
Edmonton, AB T6B 2X3**

What Should be Included in a Written Report

Written reports should include:

- The date and time of the release
- The location of the release
- The duration of the release and the release rate
- The composition of the release for each substance, including:
 - concentration
 - total weight, quantity or amount released
- A detailed description of the circumstances leading up to the release
- The steps or procedures which were taken to minimize, control or stop the release
- The steps or procedures which will be taken to prevent similar releases
- Any other information required by the Director

WHAT DOES NOT HAVE TO BE REPORTED

Releases of the following substances do not have to be reported to Alberta Environment, but reporting to other agencies may be required:

- Substances released according to conditions in an approval, registration or regulation
- Substances regulated by the *Oil and Gas Conservation Act*, the *Dangerous Goods Transportation and Handling Act* or any regulations under those Acts
- Substances regulated by an approval, licence or permit granted under the *Oil and Gas Conservation Act*, the *Dangerous Goods Transportation and Handling Act* or any regulations under those Acts
- Substances classified as Class 1 (explosives) or Class 7 (radioactive materials) dangerous goods as set out in the *Transportation of Dangerous Goods Act, 1992* (Canada)

The class and division of substances regulated under the *Transportation of Dangerous Goods Act* and *Regulation*, and reportable quantities or levels, is available from Alberta Transportation by calling 1-800-272-9600 or (780) 422-9600.

The release of these substances **is** reportable when:

- The release has caused, is causing or may cause an adverse effect
- The amount exceeds the quantities or emission levels set out for the substance
- The release is into a watercourse or into the groundwater or surface water in any quantity
- The release falls under the *Transportation of Dangerous Goods Regulation* Table 1 under the *Transportation of Dangerous Goods Act, 1992* (Canada)

If you cannot tell if the quantities or levels listed in the *Transportation of Dangerous Goods Regulation* Table 1 are exceeded, the release should be reported.

**Table Identified in Section 8.1(1) of Part 8 of the
Transportation of Dangerous Goods Regulation**

Class	Quantity	Emission Limit
1.	Any quantity that could pose a danger to public safety or 50 kg	
2.	Any quantity that could pose a danger to public safety or any sustained release of 10 minutes or more	
3.	200 L	
4.	25 kg	
5.1	50 kg or 50 L	
5.2	1 kg or 1 L	
6.1	5 kg or 5 L	
6.2	Any quantity that could pose a danger to public safety or 1 kg or 1 L	
7.	Any quantity that could pose a danger to public safety	An emission level greater than the emission level established in section 20 of the <i>Packaging and Transport of Nuclear Substances Regulations</i>
8.	5 kg or 5 L	
9.	25 kg or 25 L	

WHAT HAPPENS AFTER A REPORT

Alberta Environment responds to all reports. The first priority is always to ensure that any possible adverse effects of a release are being properly dealt with, prevented if possible, or mitigated.

Alberta Environment also ensures all other appropriate authorities are notified and works with other agencies to ensure proper response efforts are underway.

After the situation is being appropriately managed and is under control, Alberta Environment gathers more information about the release incident to determine the cause of the release and how to prevent future releases.

Once the follow-up investigation is complete, a decision is made on whether enforcement action is necessary, and what that enforcement action should be.

Failure to report may result in enforcement action.

FREQUENTLY ASKED QUESTIONS

Do I have to report a spill of 30 L of varsol that occurred inside our warehouse but was contained and cleaned up?

No. If all the varsol was recovered and nothing entered the sanitary or storm drainage system the spill does not need to be reported. A spill inside a building that is fully contained within the building, including odours, is not considered a release into the environment. However, if there is any possibility of odours venting from the building, Alberta Environment should be notified.

I was digging a trench and struck a natural gas line and as a result there was a release of natural gas for a short period of time before the line could be shut-in. Do I need to report this to Alberta Environment?

If the natural gas release poses a danger to public safety or lasted for 10 minutes or more, or the release has had, or may have, an adverse effect, it must immediately be reported to Alberta Environment.

My company repaired an air conditioning system and discovered a broken line that allowed the release of HCFC-22 (R-22). We repaired the line and recharged the system. Do we need to report this release to Alberta Environment?

Alberta Environment only requires immediate reporting of releases 10 kg or greater of Ozone-Depleting Substances, as listed in the *Ozone-Depleting Substances and Halocarbons Regulation, Alberta Regulation 181/2000*.

Our facility is going into a shutdown and as a result we will be required to do some additional flaring. Do we need to report this to Alberta Environment?

If the flaring causes dense black smoke of an opacity greater than 40 per cent for six minutes or more, or if the flaring exceeds an approval limit or has had, or may have, an adverse effect, it must immediately be reported to Alberta Environment. In the event none of these criteria have been exceeded but public complaints could result, please notify Alberta Environment in advance, if possible.

I was loading a truck with crude oil at a lease site and overfilled the tank, which resulted in approximately 500 L of crude oil being spilled on the ground. The product was contained and will be vacuumed up and no crude oil went off-site or into any waterway. Do I need to report this to Alberta Environment?

No. However, this may be reportable to the *Alberta Energy and Utilities Board*. *Alberta Energy and Utilities Board IL 98-1 Oil and Gas Notification Requirements* are:

- Any release greater than 2 m³ on-lease
- Any release off-lease as per the *Oil and Gas Conservation Regulations*
- Any release that has entered or has potential to enter surface water

Any spill or release that goes off-lease that has caused, is causing, or may cause an adverse effect, must immediately be reported to Alberta Environment.

We spilled a product on the plant site and it has been fully contained. However, the product odours may drift off the site. Do I need to report this to Alberta Environment?

Yes. The odours have a potential to cause an adverse effect and must immediately be reported to Alberta Environment.

My company stores 205 L drums of used oil (a hazardous recyclable) in our yard. One of the drums was accidentally knocked over and the contents were spilled on the ground and soaked into the gravel. Should I report this to Alberta Environment?

Yes. The spill has the potential to have an adverse effect on the groundwater or leave the site. This spill must immediately be reported to Alberta Environment.

I own a service station in an industrial area that borders a residential neighborhood. While removing underground gasoline and diesel storage tanks, I discovered there was free product in the excavation. Is this reportable?

Yes. There is a potential that groundwater aquifers and adjoining residential properties could be affected. In addition, if there are public safety concerns, the local fire department must be notified.

What are the reportable limits for a release of polychlorinated biphenyl (PCBs)?

Any release containing concentrations greater than 50 parts per million, or any release that has had, or may have, an adverse affect should be reported. In addition to Alberta Environment reporting requirements, the federal government also has reporting requirements for PCBs.

My vehicle was involved in an accident and as a result fuel was spilled on the ground. Do I need to report this to Alberta Environment?

Typically motor vehicle accidents are reported to a local authority. However, if the quantity of the spill exceeds 200 L, or the fuel has had, or may have an adverse effect, it must immediately be reported to Alberta Environment either by the local authority, or the person(s) involved with the spill.

LEGISLATION

Environmental Protection and Enhancement Act

Section 110 of EPEA states:

- 110 (1) A person who releases, causes or permits the release of a substance into the environment that may cause, is causing or has caused an adverse effect shall, as soon as that person knows or ought to know of the release, report it to
- (a) the Director
 - (b) the owner of the substance, where the person reporting knows or is readily able to ascertain the identity of the owner
 - (c) any person to whom the person reporting reports in an employment relationship
 - (d) the person having control of the substance, where the person reporting is not the person having control of the substance and knows or is readily able to ascertain the identity of the person having control
 - (e) any other person who the person reporting knows or ought to know may be directly affected by the release.
- (2) The person having control of a substance that is released into the environment that may cause, is causing or has caused an adverse effect shall, immediately upon becoming aware of the release, report it to the person referred to in subsection (1)(a), (b), (c) and (e) unless the person having control has reasonable grounds to believe that those persons already know of the release.

- (3) A police officer or employee of a local authority or other public authority who is informed of or who investigates a release of a substance into the environment that may cause, is causing or has caused an adverse effect shall immediately notify the Director of the release unless the police officer or employee has reasonable grounds to believe that it has been reported by another person.

Section 111 contains the directions for the manner of reporting where a person is required to report under Section 110 and may include reports in person, in writing, and by electronic means. Section 112 states that it is the duty of the person responsible for the substance to take remedial measures to remedy the release and restore the environment.

Section 107(2) of EPEA states that "Sections 110 to 112 apply only to releases of substances that are not authorized by an approval or the regulations." For example, if there was a release of a substance specifically authorized by an approval, registration or the regulations, the duty to report will not apply.

The Release Reporting Regulation

Notice should be taken of sections 2 and 3 of the *Regulation* which state:

- 2 Sections 110 to 112 of the *Act* and this *Regulation* do not apply
 - (a) to releases of substances that are regulated by the *Oil and Gas Conservation Act* or any regulation made under that *Act*, the *Dangerous Goods Transportation and Handling Act* or any regulation made under that *Act*, or an approval, licence or permit granted under any of those *Acts* or regulations, or
 - (b) to releases of substances classified as Class 1 dangerous goods (explosives) or Class 7 dangerous goods (radioactive materials) as set out in the Schedule to the *Transportation of Dangerous Goods Act, 1992* (Canada).
- 3(1) Subject to section 2(a), where a release of a substance falling within the Class set out in the first column of the Table in section 8.1(1) of Part 8 of the *Transportation of Dangerous Goods Regulation* (SOR 2001-286) under the *Transportation of Dangerous Goods Act, 1992* (Canada) occurs and the release has caused, is causing, or may cause an adverse effect, sections 110 to 112 of the *Act* and this *Regulation* apply in respect of the release only if

- (a) the release is at or in excess of the quantities or emission levels set out for the substance in the Table in section 8.1(1) of Part 8 of the *Transportation of Dangerous Goods Regulations* (SOR 2001-286), or
- (b) the substance is released into a watercourse or into groundwater or surface water.

3(2) Subsection (1)(b) applies regardless of whether the quantity or emission level of the release is at or in excess of the levels set out for the substance in the Table in section 8.1(1) of Part 8 of the *Transportation of Dangerous Goods Regulations* (SOR 2001-286).

DEFINITIONS

Adverse effect

Impairment of, or damage to, the environment, property, human health, or human safety.

Environment

The components of the earth including:

- (i) Air, land and water
- (ii) All layers of the atmosphere
- (iii) All organic and inorganic matter and living organisms
- (iv) The interacting natural systems that include components referred to in clauses (i) to (iii)

Owner of a substance

The owner of the substance immediately before or during the release of the substance.

Person having control of a substance

The person having charge, management or control of the substance.

Release

Includes to spill, discharge, dispose of, spray, inject, inoculate, abandon, deposit, leak, seep, pour, emit, empty, throw, dump, place and exhaust.

Substance

- (i) Any matter that
 - (a) Is capable of becoming dispersed into the environment, or
 - (b) Is capable of becoming transformed in the environment into matter referred to in paragraph (a)
- (ii) Any sound, vibration, heat, or radiation or other form of energy, and
- (iii) Any combination of things referred to in subclauses (i) and (ii)

Additional definitions can be found in the *Environmental Protection and Enhancement Act* and the *Release Reporting Regulation*. These sources should be consulted to assist in the interpretation of the reporting obligations.

REFERENCES

*Environmental Protection
and Enhancement Act,*
R.S.A. 2000,c. E-12 (as amended)

Release Reporting Regulation,
A. R. 117/93 (as amended)

*Transportation of Dangerous Goods
Regulations* (SOR 2001 – 286) under the
Transportation of Dangerous Goods Act,
1992, S.C. 1992, c. 34

Dangerous Goods and Handling Act,
R.S.A. 2000. D-4 (as amended)

Oil and Gas Conservation Act,
R.S.A. 2000, c. o-6 (as amended)





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To report a spill or environmental
emergency call **1-800-222-6514**

Alberta Environment Regional Offices

NORTHERN REGION

Edmonton
#111, Twin Atria Building
4999 - 98 Avenue
Edmonton, Alberta T6B 2X3
Tel: 780.427.7617
Fax: 780.427.7824

CENTRAL REGION

Red Deer
#304, Provincial Building
4920 - 51 Street
Red Deer, Alberta, T4N 6K8
Tel: 403.340.7052
Fax: 403.340.5022

SOUTHERN REGION

Calgary
#303, Deerfoot Square Building
2938-11 Street NE
Calgary, Alberta, T2E 7L7
Tel: 403.297.7880
Fax: 403.297.6069

To contact your local Alberta Environment office,
call the regional office nearest you or dial 310-0000.

Alberta



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WHO SHOULD REPORT

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- The person having control of the substance that is released (unless they have reasonable grounds to believe that the release has already been reported)
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- A description of the circumstances leading to the release
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A reference number will be issued to confirm that the report was made.

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WHAT DOES NOT HAVE TO BE REPORTED

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- Substances regulated by an approval, licence or permit granted under the *Oil and Gas Conservation Act*, the *Dangerous Goods Transportation and Handling Act* or any regulations under those Acts
- Substances classified as Class 1 (explosives) or Class 7 (radioactive materials) dangerous goods as set out in the *Transportation of Dangerous Goods Act, 1992* (Canada)

The class and division of substances regulated under the *Transportation of Dangerous Goods Act and Regulation*, and reportable quantities or levels, is available from Alberta Transportation by calling 1-800-272-9600 or (780) 422-9600.

The release of these substances **is** reportable when:

- The release has caused, is causing or may cause an adverse effect
- The amount exceeds the quantities or emission levels set out for the substance
- The release is into a watercourse or into the groundwater or surface water in any quantity
- The release falls under the *Transportation of Dangerous Goods Regulation* Table 1 under the *Transportation of Dangerous Goods Act, 1992* (Canada)

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**Table Identified in Section 8.1(1) of Part 8 of the
Transportation of Dangerous Goods Regulation**

Class	Quantity	Emission Limit
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Alberta Environment also ensures all other appropriate authorities are notified and works with other agencies to ensure proper response efforts are underway.

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Once the follow-up investigation is complete, a decision is made on whether enforcement action is necessary, and what that enforcement action should be.

Failure to report may result in enforcement action.

FREQUENTLY ASKED QUESTIONS

Do I have to report a spill of 30 L of varsol that occurred inside our warehouse but was contained and cleaned up?

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I own a service station in an industrial area that borders a residential neighborhood. While removing underground gasoline and diesel storage tanks, I discovered there was free product in the excavation. Is this reportable?

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Any release containing concentrations greater than 50 parts per million, or any release that has had, or may have, an adverse affect should be reported. In addition to Alberta Environment reporting requirements, the federal government also has reporting requirements for PCBs.

My vehicle was involved in an accident and as a result fuel was spilled on the ground. Do I need to report this to Alberta Environment?

Typically motor vehicle accidents are reported to a local authority. However, if the quantity of the spill exceeds 200 L, or the fuel has had, or may have an adverse effect, it must immediately be reported to Alberta Environment either by the local authority, or the person(s) involved with the spill.

LEGISLATION

Environmental Protection and Enhancement Act

Section 110 of EPEA states:

- 110 (1) A person who releases, causes or permits the release of a substance into the environment that may cause, is causing or has caused an adverse effect shall, as soon as that person knows or ought to know of the release, report it to
- (a) the Director
 - (b) the owner of the substance, where the person reporting knows or is readily able to ascertain the identity of the owner
 - (c) any person to whom the person reporting reports in an employment relationship
 - (d) the person having control of the substance, where the person reporting is not the person having control of the substance and knows or is readily able to ascertain the identity of the person having control
 - (e) any other person who the person reporting knows or ought to know may be directly affected by the release.
- (2) The person having control of a substance that is released into the environment that may cause, is causing or has caused an adverse effect shall, immediately upon becoming aware of the release, report it to the person referred to in subsection (1)(a), (b), (c) and (e) unless the person having control has reasonable grounds to believe that those persons already know of the release.

- (3) A police officer or employee of a local authority or other public authority who is informed of or who investigates a release of a substance into the environment that may cause, is causing or has caused an adverse effect shall immediately notify the Director of the release unless the police officer or employee has reasonable grounds to believe that it has been reported by another person.

Section 111 contains the directions for the manner of reporting where a person is required to report under Section 110 and may include reports in person, in writing, and by electronic means. Section 112 states that it is the duty of the person responsible for the substance to take remedial measures to remedy the release and restore the environment.

Section 107(2) of EPEA states that "Sections 110 to 112 apply only to releases of substances that are not authorized by an approval or the regulations." For example, if there was a release of a substance specifically authorized by an approval, registration or the regulations, the duty to report will not apply.

The Release Reporting Regulation

Notice should be taken of sections 2 and 3 of the *Regulation* which state:

- 2 Sections 110 to 112 of the *Act* and this *Regulation* do not apply
 - (a) to releases of substances that are regulated by the *Oil and Gas Conservation Act* or any regulation made under that *Act*, the *Dangerous Goods Transportation and Handling Act* or any regulation made under that *Act*, or an approval, licence or permit granted under any of those *Acts* or regulations, or
 - (b) to releases of substances classified as Class 1 dangerous goods (explosives) or Class 7 dangerous goods (radioactive materials) as set out in the Schedule to the *Transportation of Dangerous Goods Act, 1992* (Canada).
- 3(1) Subject to section 2(a), where a release of a substance falling within the Class set out in the first column of the Table in section 8.1(1) of Part 8 of the *Transportation of Dangerous Goods Regulation* (SOR 2001-286) under the *Transportation of Dangerous Goods Act, 1992* (Canada) occurs and the release has caused, is causing, or may cause an adverse effect, sections 110 to 112 of the *Act* and this *Regulation* apply in respect of the release only if

- (a) the release is at or in excess of the quantities or emission levels set out for the substance in the Table in section 8.1(1) of Part 8 of the *Transportation of Dangerous Goods Regulations* (SOR 2001-286), or
- (b) the substance is released into a watercourse or into groundwater or surface water.

3(2) Subsection (1)(b) applies regardless of whether the quantity or emission level of the release is at or in excess of the levels set out for the substance in the Table in section 8.1(1) of Part 8 of the *Transportation of Dangerous Goods Regulations* (SOR 2001-286).

DEFINITIONS

Adverse effect

Impairment of, or damage to, the environment, property, human health, or human safety.

Environment

The components of the earth including:

- (i) Air, land and water
- (ii) All layers of the atmosphere
- (iii) All organic and inorganic matter and living organisms
- (iv) The interacting natural systems that include components referred to in clauses (i) to (iii)

Owner of a substance

The owner of the substance immediately before or during the release of the substance.

Person having control of a substance

The person having charge, management or control of the substance.

Release

Includes to spill, discharge, dispose of, spray, inject, inoculate, abandon, deposit, leak, seep, pour, emit, empty, throw, dump, place and exhaust.

Substance

- (i) Any matter that
 - (a) Is capable of becoming dispersed into the environment, or
 - (b) Is capable of becoming transformed in the environment into matter referred to in paragraph (a)
- (ii) Any sound, vibration, heat, or radiation or other form of energy, and
- (iii) Any combination of things referred to in subclauses (i) and (ii)

Additional definitions can be found in the *Environmental Protection and Enhancement Act* and the *Release Reporting Regulation*. These sources should be consulted to assist in the interpretation of the reporting obligations.

REFERENCES

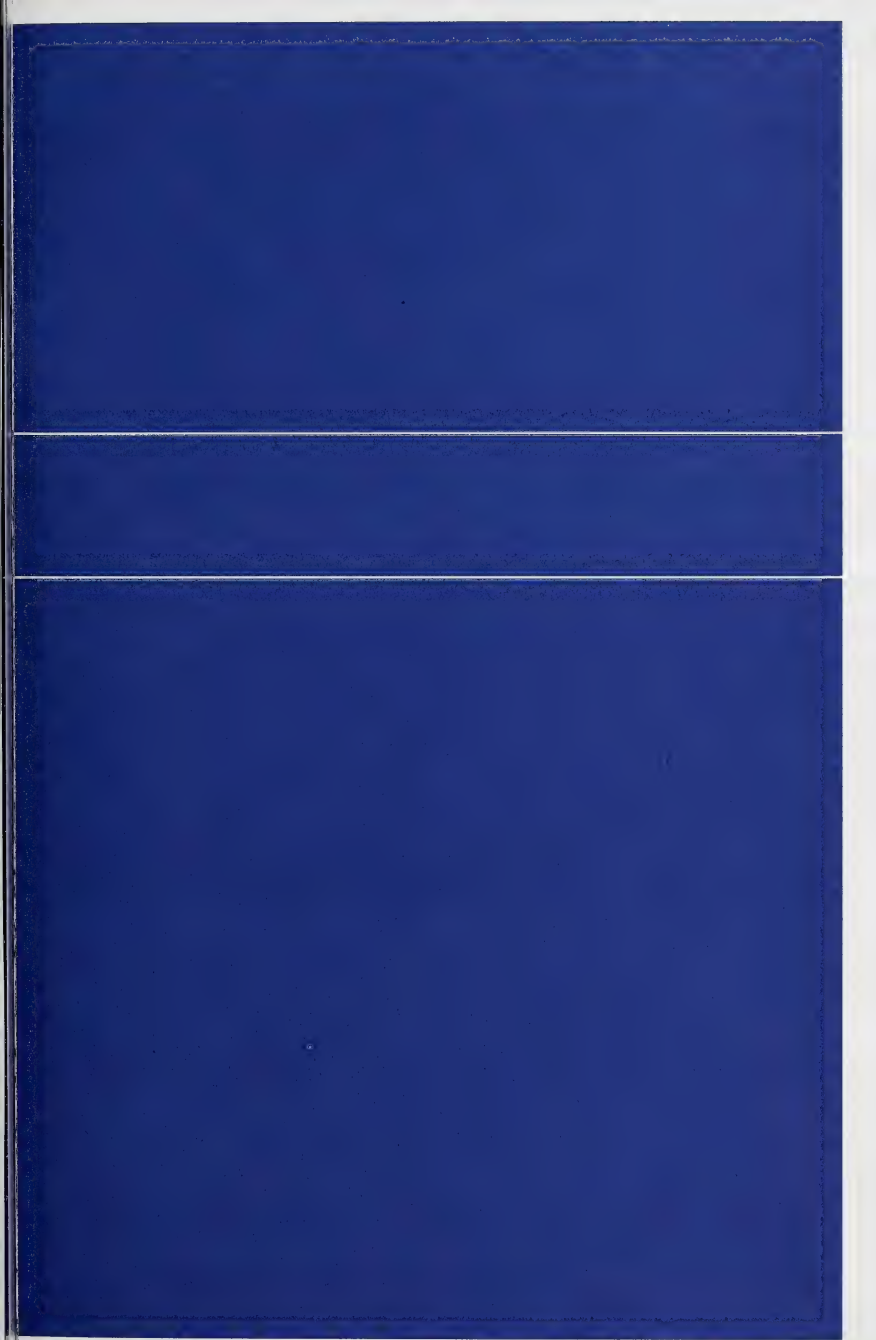
*Environmental Protection
and Enhancement Act,*
R.S.A. 2000,c. E-12 (as amended)

Release Reporting Regulation,
A. R. 117/93 (as amended)

*Transportation of Dangerous Goods
Regulations* (SOR 2001 – 286) under the
Transportation of Dangerous Goods Act,
1992, S.C. 1992, c. 34

Dangerous Goods and Handling Act,
R.S.A. 2000. D-4 (as amended)

Oil and Gas Conservation Act,
R.S.A. 2000, c. O-6 (as amended)



To report a spill or environmental
emergency call **1-800-222-6514**

Alberta Environment Regional Offices

NORTHERN REGION

Edmonton
#111, Twin Atria Building
4999 - 98 Avenue
Edmonton, Alberta T6B 2X3
Tel: 780.427.7617
Fax: 780.427.7824

CENTRAL REGION

Red Deer
#304, Provincial Building
4920 - 51 Street
Red Deer, Alberta, T4N 6K8
Tel: 403.340.7052
Fax: 403.340.5022

SOUTHERN REGION

Calgary
#303, Deerfoot Square Building
2938-11 Street NE
Calgary, Alberta, T2E 7L7
Tel: 403.297.7880
Fax: 403.297.6069

To contact your local Alberta Environment office,
call the regional office nearest you or dial 310-0000.

Alberta
Environment

 Alberta Environment

Compliance Assurance Program Summary

❖ **Alberta's environmental legislation** sets out clear rules for the protection, enhancement and wise use of our environment. Through education and prevention programs, and strict enforcement measures, Alberta Environment ensures all Albertans understand and follow the province's environmental laws and continue to enjoy the clean and healthy environment that is important to our province's natural beauty.

Education

Caring for the environment is a shared responsibility. Alberta Environment works with Albertans, municipalities and industry to ensure they understand the role they play in protecting our environment.

Educational initiatives focus on the regulated community, which holds approvals, licences and registrations under the Environmental Protection and Enhancement Act or the Water Act, and individuals or companies whose activities might not require authorization from Alberta Environment, but could still impact the environment.

Educational programs promote compliance by raising awareness of the law and its purposes, how to comply with the law and the consequences of non-compliance.

Prevention

Alberta Environment regulates a wide range of industrial facilities in the province under the Environmental Protection and Enhancement Act and the Water Act. This is most commonly done through conditions set out in environmental approvals or codes of practice. Alberta Environment's Compliance Inspection Program ensures facilities meet these conditions.

Under the Compliance Inspection Program, Alberta Environment conducts proactive, unannounced inspections and audits of regulated facilities. Department inspectors can review and inspect all aspects of facility's approval or registration during a single visit. The inspection may include taking samples of soil, groundwater and effluent and air emissions at their source.

Alberta Environment works with approval and registration holders to identify and correct areas of non-compliance. Significant non-compliance may be subject to enforcement action.

Enforcement

Those who do not comply with Alberta's environmental laws and regulations are held responsible for the effects of their actions on the environment. Every suspected violation that comes to the attention of Alberta Environment is assessed and responded to in an appropriate and timely manner.

Where non-compliance is identified, either through mandatory reporting or through other information such as an inspection or a call from the public, all of the circumstances are evaluated.

If a company or individual did not take reasonable measures to prevent the contravention, or knowingly and deliberately broke the law, enforcement action may result.

❖ **Enforcement Tools**

Alberta Environment has a variety of tools to ensure compliance.

❖ **Written Warnings**

Written Warnings are issued for minor contraventions or when there is the potential for an adverse environmental effect. Warnings, normally given to first-time offenders, are designed to encourage voluntarily compliance. Repeat non-compliance may lead to a more significant enforcement response.

❖ **Administrative Penalties**

Administrative Penalties are monetary fines designed to deal with minor administrative offenses, such as failure to file reports required under an approval or code of practice. An adverse environmental effect does not have to occur in order for an Administrative Penalty to be issued.

❖ **Orders**

Orders are issued when immediate action is required to prevent or stop an adverse environmental effect. Alberta Environment issues three types of orders:

- **Environmental Protection Order** – issued to prevent or stop contraventions to the Environmental Protection and Enhancement Act and ensure action is taken to fix environmental problems
- **Water Management Order** – issued to prevent or stop contraventions under the Water Act and ensure action is taken to fix environmental problems
- **Enforcement Order** – issued to compel a regulated party to remedy a contravention and, where appropriate, require actions to prevent future contraventions



❖ We all have a role to play in ensuring our environment and natural resources are protected.

If you have information about a spill, release or other environmental emergency, call 1-800-222-6514, 24-hours a day, seven days a week.

❖ Prosecutions

All legislation enforced by Alberta Environment includes the option of prosecution. Penalties depend on the severity of the contraventions and may include fines or jail time for serious offenses.

❖ Creative Sentencing

Creative sentences are used to make prosecution penalties more meaningful and result in clear benefits for the environment. Coupled with a standard fine, creative sentences are imposed in situations where a monetary penalty may be inappropriate because of limited financial resources.

❖ Appeals

Alberta's environmental legislation allows for companies or individuals to appeal an Order or an Administrative Penalty to the Environmental Appeals Board. All prosecutions may also be appealed in court.

Reporting spills, releases and environmental emergencies

Any spill, release or emergency that may cause, is causing or has caused an adverse effect to the environment must be reported immediately to Alberta Environment.

Immediate reporting allows Alberta Environment, industry and local response teams to respond quickly and prevent further damage to the environment through timely containment and effective clean up.

Failure to report will result in stringent enforcement action.

Compliance Sweeps

In addition to routine unannounced inspections, Alberta Environment conducts annual education and inspection programs, or sweeps, which focus on a geographic area or specific industry. These focused programs give Alberta Environment an opportunity to work together with businesses and ensure they understand the environmental rules that apply to them.

These programs have two parts:

- Specific, detailed information about regulations and requirements are sent to targeted businesses
- Unannounced inspections are done to ensure businesses are following the requirements

This effort produces several important results:

- All businesses within a specific sector or geographic area receive the same information from Alberta Environment about environmental responsibility
- Non-compliance can be identified and corrected cooperatively, if this is an appropriate option
- Overt acts of non-compliance can be addressed using a variety of enforcement tools

Contact Us

To report a spill or environmental emergency call 1-800-222-6514

For more information about Alberta Environment's Compliance Assurance and Enforcement Programs, call the regional office nearest you.

Alberta Environment Regional Offices

NORTHERN REGION

Edmonton

#111, Twin Atria Building
4999-98 Avenue
Edmonton, Alberta T6B 2X3
Tel: 780.427.7617
Fax: 780.427.7824

CENTRAL REGION

Red Deer

#304, Provincial Building
4920-51 Street
Red Deer, Alberta, T4N 6K8
Tel: 403.340.7052
Fax: 403.340.5022

SOUTHERN REGION

Calgary

#303, Deerfoot Square Building
2938-11 Street NE
Calgary, Alberta, T2E 7L7
Tel: 403.297.7880
Fax: 403.297.6069

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This brochure is printed on 100% post-consumer material, processed chlorine free. By using this paper, Alberta Environment saved the following resources: 5 fully grown trees, 7,749 litres of water, 3 million BTUs of energy, 103 kilograms of solid waste and 203 kilograms of greenhouse gases [all calculations based on research done by Environmental Defense (U.S.)].

AL.D.2006-49

NO ILL

C.D

Call to report
**a spill or
environmental
emergency**



24 Hour Environmental Hotline

1-800-222-6514

If you have information about a spill, release or emergency that could damage the environment, call 1-800-222-6514, 24 hours a day, seven days a week.

Every suspected violation that comes to the attention of Alberta Environment will be assessed and responded to in an appropriate and timely manner. Remember, all Albertans have a role to play in ensuring our environment and natural resources are protected. Know the rules, know your responsibility and know when to report.

Alberta
Environment



Storing Hazardous Waste & Recyclables

FACTS AT YOUR FINGERTIPS

August 2004

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Pub No. 1983

Hazardous waste and recyclables contain substances that could contaminate air, soil and water

HAZARDOUS WASTE AND RECYCLABLES

Many Alberta businesses produce hazardous waste and hazardous recyclables, such as used car batteries, antifreeze, leftover paint, spent solvents, corrosives and cleaning products. Proper storage and containment of these materials is important to protect Alberta's air, land and water from contamination.

STORAGE REQUIREMENTS

When storing hazardous waste or recyclables, containers must be:

- In good condition and not leaking
- Protected from the weather
- Compatible with the materials they are storing to avoid corrosion or chemical reactions that could result in fire
- Kept closed except when adding waste
- Not opened, handled or stored in ways that could cause leaks or ruptures
- Clearly marked and labeled to identify what is being stored

In addition, the following requirements and precautions should be taken:

- Clean up any spills immediately
- Do not store incompatible wastes together
- Have in place secondary containment for liquid hazardous waste/recyclables
- Use separate containers and appropriate barriers between different waste to prevent contact in the event of a release
- Inspect waste and recyclables in storage weekly and note any deterioration or corrosion in an inspection log

RECYCLING AND DISPOSAL

There are numerous Alberta companies that can assist you in establishing a proper waste storage and identify recycling and disposal options.

To find a company near you, call the Environmental Services Association of Alberta (ESAA) at (780) 429-6363 or visit www.esaa.org

THE STORAGE SITE

Hazardous wastes and recyclables must be stored in a place that allows for safe handling and is prepared for emergencies. The storage site must:

- Prevent access by unauthorized persons
- Be posted as a hazardous waste/recyclables storage area
- Have proper equipment to handle emergency situations
- Have designated people responsible for the site and able to respond to emergency situations
- Be designed and maintained to ensure run-off cannot enter the secondary containment system
- Be located away from sewer drains, manholes, drainage courses and standing water

These storage requirements are not mandatory when storing small quantities (less than 5 kg), however, the general principles of safe and secure management should be followed.

APPROVAL REQUIREMENTS

Generally, an approval under the *Environmental Protection and Enhancement Act* is required to store hazardous waste/recyclables when:

- More than 10,000 kg is stored at one time
- Some or all of the hazardous waste or recyclables is produced by someone other than the owner of the facility
- Hazardous waste or recyclables are stored for longer than one year

If you are not sure whether a facility requires an approval, or would like more information on obtaining an approval, contact the Alberta Environment regional office nearest you.



Storing Hazardous Waste and Recyclables

FOR MORE INFORMATION

For more information on the storage and disposal of hazardous waste and hazardous recyclables, contact the Alberta Environment regional office nearest you.

NORTHERN REGION

Edmonton

#111, Twin Atria Building
4999-98 Avenue
Edmonton, Alberta T6B 2X3
Tel: 780.427.7617
Fax: 780.427.7824

CENTRAL REGION

Red Deer

#304, Provincial Building
4920-51 Street
Red Deer, Alberta, T4N 6K8
Tel: 403.340.7052
Fax: 403.340.5022

SOUTHERN REGION

Calgary

#303, Deerfoot Square Building
2938-11 Street NE
Calgary, Alberta, T2E 7L7
Tel: 403.297.7880
Fax: 403.297.6069



Shoreline Modification

FACTS AT YOUR FINGERTIPS

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Shoreline areas are an extremely important part of every lake ecosystem. The area acts as biological and physical filter to help protect water quality and prevent erosion of the lake edge.

This area is also home to many fish and terrestrial animals that spawn, raise young, hide and feed there. Lakeshore sand, gravel, rock and vegetation are also important for keeping a lake attractive, healthy and productive.

Before starting any project that might alter the shoreline of a lake, you must contact Alberta Environment.

APPROVALS

Alberta Environment issues approvals to ensure that the public and the environment (water quality/aquatic habitat) are not adversely affected by any activity.

Any shoreline modification or alteration activity, such as placing sand, removing rocks and vegetation, tilling, constructing retaining walls or other permanent structures (e.g. piers, docks) or other disturbance is subject to review and approval under the *Water Act* and the *Public Lands Act*.

Approvals are also required for activities on private lands that alter the natural drainage including filling, alteration of permanent wetlands, lakes or intermittent watercourses.

Approvals from other levels of government may also be needed. The local municipal government may own an Environmental or a Municipal Reserve between your lot and the lake, and may require an approval before you conduct any alterations on that land.

ENFORCEMENT

Modifying a shoreline without an approval is subject to enforcement action and fines of up to \$50,000 for an individual or \$500,000 for a company or organization.

The willful destruction of migratory bird nests or the harmful alteration, disruption and destruction of fish habitat is a federal offence under the *Fisheries Act* and *Migratory Birds Convention Act*. For further information on federal fisheries legislation, contact Fisheries and Oceans Canada at (780) 495-4220 or visit www.dfo-mpo.gc.ca/habitat/

If you observe shoreline activity or water-related activity that seems questionable, contact Alberta Environment at 1-800-222-6514.

FOR MORE INFORMATION

For more information about Administrative Penalties, call the regional office nearest you.

NORTHERN REGION

Edmonton

#111, Twin Atria Building
4999-98 Avenue
Edmonton, Alberta T6B 2X3
Tel: 780.427.7617
Fax: 780.427.7824

CENTRAL REGION

Red Deer

#304, Provincial Building
4920-51 Street
Red Deer, Alberta, T4N 6K8
Tel: 403.340.7052
Fax: 403.340.5022

SOUTHERN REGION

Calgary

#303, Deerfoot Square Building
2938-11 Street NE
Calgary, Alberta, T2E 7L7
Tel: 403.297.7880
Fax: 403.297.6069





Burning Waste

FACTS AT YOUR FINGERTIPS

August 2004

While burning may be the simplest way to clean up a site, open burning can release pollutants, reduce visibility, create unpleasant odours and cause contamination.

To ensure the environment is protected, the *Environmental Protection and Enhancement Act (EPEA)* classifies debris as either burnable or prohibited.

WHAT YOU CAN BURN

Burnable debris includes:

- Brush and fallen trees
- Used power and telephone poles that do not contain preservatives
- Wood or wood products not containing preservatives such as creosote, pentachlorophenol, CCA etc.
- Solid waste from tree harvesting
- Straw, stubble, grass, weeds, leaves and tree prunings
- Solid waste from post and pole operations that does not contain wood preservatives

WHAT YOU CAN'T BURN

A permit from Alberta Environment is required to burn prohibited debris anywhere in Alberta. Prohibited debris includes:

- Animal manure
- Pathological waste (waste from human health centres)
- Wood or wood products containing wood preservatives
- Waste materials from construction sites
- Rubber, including tires
- Plastic, including baler twine
- Oil
- Containers that held pesticides or other chemicals
- Plastic or rubber-coated materials, including copper wire
- Any waste that causes dense smoke, offensive odours or releases toxic substances

WHERE YOU CAN'T BURN

Different laws regulate where you can burn, and some require you have a permit, even for burnable debris.

Unauthorized burning of any kind is restricted in Calgary, Edmonton and many other municipalities.

Contact your local fire department to learn more about restrictions and requirements.

REMEMBER TO RECYCLE

Many items that you may consider burning can be recycled. These items include:

- Plastic
- Paper and cardboard
- Metal materials
- Used oil
- Tires
- Beverage containers

Call the Alberta Recycle Information Line at 1-800-463-6326 for local information.

FOR MORE INFORMATION

For more information on backyard burning, contact the Alberta Environment regional office nearest you.

NORTHERN REGION

Edmonton

#111, Twin Atria Building
4999-98 Avenue
Edmonton, Alberta T6B 2X3
Tel: 780.427.7617
Fax: 780.427.7824

CENTRAL REGION

Red Deer

#304, Provincial Building
4920-51 Street
Red Deer, Alberta, T4N 6K8
Tel: 403.340.7052
Fax: 403.340.5022

SOUTHERN REGION

Calgary

#303, Deerfoot Square Building
2938-11 Street NE
Calgary, Alberta, T2E 7L7
Tel: 403.297.7880
Fax: 403.297.6069





Reporting Spills and Releases

FACTS AT YOUR FINGERTIPS

August 2004

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Report Immediately

You need to report a release to Alberta Environment at the first available opportunity, as soon as you know or should know about the release

The *Environmental Protection and Enhancement Act (EPEA)* requires any release of substances that could cause an adverse effect to the environment be reported to Alberta Environment.

The *Release Reporting Regulation* sets out what must be reported, when, how and to who reports must be made.

Individual approvals and codes of practice may also have requirements for reporting contraventions of the terms and conditions of the approval or code of practice, monitoring results and sampling programs.

WHEN TO REPORT

Releases of a substance into the environment that may cause, is causing or has caused an adverse effect must be reported to Alberta Environment. An adverse effect is impairment of, or damage to, the environment, human health or safety, or property.

WHO MUST REPORT

The person who releases, causes or permits the release, or has control of the substance released is responsible for reporting.

Prompt reporting helps to ensure adverse impacts are addressed properly and minimized if possible, and directly affected parties are notified.

HOW TO REPORT

Releases must be reported to Alberta Environment at the **first available opportunity**, as soon as the person responsible knows or should know about the release.

Reports can be made:

- By phoning **1-800-222-6514**
- In person at any Alberta Environment office

Electronic reporting may also be available. For further information please contact your regional Alberta Environment office.

When reporting, please provide:

- The location and time of the release
- A description of the circumstances leading to the release
- The type and quantity of substance released
- The details of any action proposed or taken at the release site
- A description of the immediate surrounding area

A reference number will be issued to confirm that the report was made.

WRITTEN REPORT

A written report must be submitted to the appropriate Alberta Environment Director within seven days after the immediate report.

Written reports must include:

- The date and time of the release
- The location of the release
- The duration of the release and the release rate
- The concentration, total weight, quantity or amount released
- A detailed description of the circumstances leading to the release
- The steps or procedures which were taken to minimize, control or stop the release
- The steps or procedures which will be taken to prevent similar releases in the future
- Any other information required by the Director

Written reports can be **faxed to (780) 427-3178** or mailed to:

**Alberta Environment
Environmental Response Centre
111 Twin Atria Building
4999 – 98 Avenue
Edmonton, AB T6B 2X3**



Reporting Information Fact Sheet

WHAT DOESN'T HAVE TO BE REPORTED

Generally, releases of the following substances do not have to be reported to Alberta Environment:

- Substances released according to an approval or code of practice
- Substances regulated by the *Oil and Gas Conservation Act* or the *Dangerous Goods Transportation and Handling Act* (these types of releases may need to be reported to other regulators)

The release of these substances are reportable if:

- It has caused, is causing or may cause an adverse effect
- The amount exceeds the quantities or emission levels set out in the legislation, guideline, approval or code of practice
- The release is into a groundwater or surface water body

If unsure whether the quantities or levels are exceeded, the release should be reported.

WHAT HAPPENS AFTER YOU REPORT

Alberta Environment responds to all reports. The first priority is always to ensure that any spill or release is contained and appropriately cleaned up.

Alberta Environment also ensures all appropriate authorities are notified to ensure proper response efforts are underway.

After the situation is being appropriately managed and is under control, Alberta Environment will work to gather more information about the release incident to determine the cause of the release and how to prevent future releases.

Once this is complete, a decision is made on whether enforcement action is necessary, and what that enforcement action should be.

PENALTIES FOR NOT REPORTING

Failure to report a release of a substance causing an adverse effect on the environment can result in a fine of up to \$100,000 fine and a year in jail for an individual and \$500,000 for an organization or company.

FOR MORE INFORMATION

For more information about release reporting requirements, contact the Alberta Environment regional office nearest you.

NORTHERN REGION

Edmonton

#111, Twin Atria Building
4999-98 Avenue
Edmonton, Alberta T6B 2X3
Tel: 780.427.7617
Fax: 780.427.7824

CENTRAL REGION

Red Deer

#304, Provincial Building
4920-51 Street
Red Deer, Alberta, T4N 6K8
Tel: 403.340.7052
Fax: 403.340.5022

SOUTHERN REGION

Calgary

#303, Deerfoot Square Building
2938-11 Street NE
Calgary, Alberta, T2E 7L7
Tel: 403.297.7880
Fax: 403.297.6069



Compliance Inspection Program

FACTS AT YOUR FINGERTIPS

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Alberta Environment's Compliance Inspection Program is part of the department's overall Compliance Assurance and Enforcement Program.

Conducted under the authority of the *Environmental Protection and Enhancement Act*, the Compliance Inspection Program allows Alberta Environment to ensure that facilities meet the requirements of their approvals or registrations.

Environmental approvals are designed to ensure the environment is protected from a facility's operations. Approvals set out conditions for a facility's operations, such as emission limits and the type of monitoring the facility must conduct.

Under the Compliance Inspection Program, department inspectors can review and inspect *all* aspects of a facility's approval or registration, in one visit to the facility. The inspection can include taking samples of soil, groundwater and effluent, and of air emissions at their source.

REGIONAL COORDINATION

Inspections are conducted under the direction of compliance managers in each of the department's three regions. Each region's annual compliance inspection program is strategically developed to address the unique issues of the region and be consistent with other regions.

EMPHASIS ON PREVENTION/EDUCATION

Inspections are designed to identify and correct non-compliance. Whenever possible, inspectors emphasize prevention and education. Significant non-compliance can be the subject of enforcement action.

NO PRIOR NOTICE

The majority of inspections are unannounced. This ensures the program's effectiveness and credibility.

FREQUENCY OF INSPECTIONS

How frequently a facility is inspected depends on a variety of factors, including:

- Potential to cause an adverse effect
- Compliance history
- Environmental performance
- Time elapsed since the last inspection

Companies with greater potential to cause an adverse effect or with a history of non-compliance can expect to be inspected more frequently than others. Good performance is rewarded with less frequent inspections.

INSPECTION PROCEDURES

Inspections generally include:

- Meeting with facility personnel to explain purpose of inspection and discuss inspection plan
- Conducting the inspection
- Taking any required air, effluent, soil, waste or groundwater samples
- Meeting with facility representative(s) to discuss inspection results, areas of non-compliance and follow up requirements

INSPECTION FOLLOW UP

Soon after each inspection, Alberta Environment sends the facility a report on the results.

In cases involving significant non-compliance, the report is accompanied by a letter of non-compliance. The letter indicates areas of non-compliance and requests a written explanation of how the situation was or will be corrected.

Follow up inspections ensure the appropriate actions have been taken. Failure to take the requested actions can result in enforcement action.



Compliance Inspection Program

FOR MORE INFORMATION

For more information on Alberta Environment's Compliance and Inspection Program, contact the Alberta Environment regional office nearest you.

NORTHERN REGION

Edmonton

#111, Twin Atria Building
4999-98 Avenue
Edmonton, Alberta T6B 2X3
Tel: 780.427.7617
Fax: 780.427.7824

CENTRAL REGION

Red Deer

#304, Provincial Building
4920-51 Street
Red Deer, Alberta, T4N 6K8
Tel: 403.340.7052
Fax: 403.340.5022

SOUTHERN REGION

Calgary

#303, Deerfoot Square Building
2938-11 Street NE
Calgary, Alberta, T2E 7L7
Tel: 403.297.7880
Fax: 403.297.6069

Administrative Penalties

FACTS AT YOUR FINGERTIPS

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Administrative Penalties are an enforcement tool used as part of the Alberta Environment Compliance Assurance and Enforcement Program to address non-compliance with the *Alberta Environmental Protection and Enhancement Act* and the *Water Act*.

Administrative penalties are monetary fines issued for minor contraventions with low environmental impact, such as submitting a required report after a specific deadline.

ASSESSING AN ADMINISTRATIVE PENALTY

To assess an Administrative Penalty, first the base penalty is calculated using the following table:

		Variation from Regulatory Requirement		
		Major	Moderate	Minor
Potential for Adverse Effect	Major	\$5,000	\$3,500	\$2,500
	Moderate	\$3,500	\$2,500	\$1,500
	Minor	\$2,500	\$1,500	\$1,000

The variation from what was required (columns) and the potential for adverse effect (rows) are each classified as minor, moderate or major. The base penalty is then determined by matching up these factors in the grid.

Variation from Regulatory Requirements

The potential variations range from minor to major:

- **Minor** contraventions include violating an administrative requirement such as submitting a required report late.
- **Moderate** contraventions include failing to perform a specific task such as conducting a stack survey.
- **Major** offences include exceeding an environmental limit.

Potential for Adverse Effect

The potential adverse effects range from minor to major:

- **Minor** potential adverse effects include paper offences such as submitting a required report late.
- **Major** potential adverse effect is more serious in nature, however, may not actually cause an adverse effect. If the actual effect is serious, an administrative penalty will not be the enforcement tool chosen.

The potential for adverse effect accounts for not only the actual environmental effect that occurred, but also what could have resulted from the contravention.

Other Considerations

In addition to the base penalty, Alberta Environment considers the following factors to determine the size of the penalty:

- The seriousness of contravention
- Degree of negligence
- Mitigation measures taken
- Steps taken to prevent reoccurrence
- Enforcement history
- Economic benefit resulting from contravention
- Any other factors considers relevant

This allows flexibility to ensure the penalty is fair and reasonable. It also ensures that any factors that are relevant to the specific case are considered.

Each factor may influence the penalty by increasing or decreasing the base penalty by increments of \$500, although multiple increments can be imposed.

These factors are tallied together to reach an overall increase or decrease to the base penalty. If there is more than one contravention, the adjustment is applied once to the total base penalty of all contraventions, not to each individual contravention.

Administrative Penalties

PRELIMINARY PENALTY ASSESSMENT

The penalty resulting at the end of these steps is the preliminary penalty assessment.

In total, the penalty assessment cannot exceed \$5,000 per contravention per day. However, the entirety of any economic benefit gained by the party as a result of the contravention(s) may be recovered by the administrative penalty, regardless of the amount.

For some types of contravention, each day, or even a portion of a day, that the contravention continues may be a new contravention, such as exceeding an hourly release limit on an ongoing basis.

NEXT STEPS

Once the preliminary penalty assessment is calculated, Alberta Environment notifies the party by telephone and sends them a preliminary penalty assessment letter that describes the facts of the contravention and how the proposed penalty was calculated.

Alberta Environment also arranges a meeting with the party to review the assessment and the facts on which it is based. At the meeting, the party may present relevant information relating to the incident or assessment. Alberta Environment will consider the information, then make a final assessment of the administrative penalty.

If Alberta Environment determines that an administrative penalty is appropriate, a Notice of Administrative Penalty will be sent to the party, which must be paid within 30 days.

APPEALS

An Administrative Penalty can be appealed to the Environmental Appeals Board (EAB), an independent tribunal established to hear appeals of certain Alberta Environment decisions made under the *Environmental Protection and Enhancement Act*. For more information on the EAB, visit www.gov.ab.ca/eab

FOR MORE INFORMATION

For more information about Administrative Penalties, call the regional office nearest you.

NORTHERN REGION

Edmonton

#111, Twin Atria Building
4999-98 Avenue
Edmonton, Alberta T6B 2X3
Tel: 780.427.7617
Fax: 780.427.7824

CENTRAL REGION

Red Deer

#304, Provincial Building
4920-51 Street
Red Deer, Alberta, T4N 6K8
Tel: 403.340.7052
Fax: 403.340.5022

SOUTHERN REGION

Calgary

#303, Deerfoot Square Building
2938-11 Street NE
Calgary, Alberta, T2E 7L7
Tel: 403.297.7880
Fax: 403.297.6069

Compulsory Industry Monitoring

FACTS AT YOUR FINGERTIPS

August 2004

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Alberta Environment regulates a wide range of industrial facilities in the province under Alberta's *Environmental Protection and Enhancement Act (EPEA)*. This is most commonly done through conditions set out in environmental approvals or codes of practice.

Environmental approvals and codes of practice are designed to ensure the environment is protected from a facility's operations. The approval sets out conditions for a facility's operations, including the type of monitoring the facility must conduct.

Compulsory monitoring is consistent with the "polluter pays" principle. The objective of is to obtain reliable data on the environmental performance and impacts of industrial operations.

Compliance Inspections conducted by Alberta Environment ensure that monitoring is conducted in accordance with approval or code requirements.

PURPOSE OF MONITORING

Compulsory industry monitoring serves a number of purposes for both industry and the government, including:

- Ensuring that pollution control technologies are operating effectively
- Providing an early warning system for potential contamination issues
- Characterizing complex emissions to determine potential environmental impacts
- Providing information for provincial and national emission inventories that are used in environmental management
- Assessing the impact of releases on the environment
- Providing data for tracking trends in environmental performance and effects

Compulsory monitoring provides essential information on the environmental performance and impact of industrial operations.

TYPES OF MONITORING

Compulsory industry monitoring can cover a wide range of environmental issues depending on the nature and complexity of the particular industrial operation.

For example, approvals for large industrial operations may include the following types of monitoring:

- Air emissions
- Wastewater and potentially contaminated stormwater releases
- Groundwater
- Soil
- Treated sewage releases
- Drinking water
- Hazardous wastes
- Ambient air and water quality

The intent is to require monitoring of all emission sources and components of the environment that could be impacted.

SPECIFIC MONITORING REQUIREMENTS

Monitoring requirements are tailored for each industrial operation based on the types and quantities of emission. Therefore, monitoring requirements vary within industry sectors.

Monitoring requirements specifically outlined in approvals and codes of practice specify:

- Monitoring or sampling locations
- Frequency of monitoring or sampling, e.g. continuous, three times per week, etc.
- Type of sample, e.g. online, composite
- Parameters to be measured
- Monitoring method(s)
- Analytical method(s)
- Data recording, record keeping and reporting (note: any measured exceedances of a performance limit must be reported immediately)

In general, the larger the emission source or the greater the potential for environmental impact, the more frequent and detailed the compulsory monitoring requirements will be.

Compulsory Industry Monitoring

QUALITY ASSURANCE/QUALITY CONTROL (QA/QC)

Compulsory industry monitoring is important to Alberta Environment. The monitoring results verify the general environmental performance of an industrial operation.

The results also help the department assess compliance with specific performance requirements. It is a serious offense to fail to provide the required monitoring information or to provide false information. It is in the interest of both government and industry to take measures to ensure the reliability of compulsory monitoring information.

To ensure the credibility of industry compulsory monitoring programs, Alberta Environment:

- Establishes specific monitoring protocols, e.g. *Alberta Stack Sampling Code and Air Monitoring Directive*
- Undertakes spot audits of industry monitoring
- Inspects industries
- Undertakes monitoring programs to verify industry monitoring
- Reviews industry QA/QC procedures
- Reviews compulsory monitoring data for anomalies or inconsistencies
- Takes action immediately to address monitoring reliability issues including enforcement action if appropriate

FOR MORE INFORMATION

For more information on compulsory industry monitoring, contact the Alberta Environment regional office nearest you.

NORTHERN REGION

Edmonton

#111, Twin Atria Building
4999-98 Avenue
Edmonton, Alberta T6B 2X3
Tel: 780.427.7617
Fax: 780.427.7824

CENTRAL REGION

Red Deer

#304, Provincial Building
4920-51 Street
Red Deer, Alberta, T4N 6K8
Tel: 403.340.7052
Fax: 403.340.5022

SOUTHERN REGION

Calgary

#303, Deerfoot Square Building
2938-11 Street NE
Calgary, Alberta, T2E 7L7
Tel: 403.297.7880
Fax: 403.297.6069

Alberta Water Act

FACTS AT YOUR FINGERTIPS

August 2004

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This fact sheet provides a summary of the *Water Act*. The official Statutes and Regulations must be consulted for all purposes of interpreting and applying the law.

UNDERSTANDING THE WATER ACT

Alberta Environment is responsible for water policy and legislation to ensure the quality and quantity of our water resources and to ensure thriving ecosystems now and in the future.

Alberta's current water management legislation, the *Water Act (Act)*, came into force on January 1, 1999. It focuses on the planning, use and enforcement needed to manage and protect Alberta's water.

The *Act* emphasizes the wise use and allocation of our water – including the protection of Alberta's rivers, streams, lakes and wetlands.

THREE TYPES OF WATER USE

Household Use

Under the *Act*, a person who owns or occupies land above groundwater, or adjacent to a river, stream, lake or other natural water body qualifies as a "household user" (*section 21*). A household user does not include persons who receive water from a municipal or other licensed water supply.

The *Act* allows for the diversion of up to 1,250 cubic metres of water (275,000 Canadian gallons) annually per household. Household users are protected under the *Act* and have the highest priority of water rights among water users (*section 27*).

Licensable Use

Under the *Act*, a licence is required to divert water for all purposes except household, traditional agriculture or where use is exempt under the Water (Ministerial) Regulation, for example the diversion of water for firefighting.

Traditional Agriculture Use

Until January 2003, this provision of the *Act* allowed a "traditional agriculture water user" to register the amount of water used for raising animals or for applying pesticides to land-based on the date water use first started.

ACTIVITIES REQUIRING AN APPROVAL

The *Act* also regulates activities conducted in and around surface water and groundwater. A person planning to undertake an activity that may affect the land or vegetation under or around a water body or affect the location, flow or quality of the water or aquatic environment, requires prior authorization from Alberta Environment.

For example, a dam or ditch must not be constructed without an approval and a water well must be constructed according to specific requirements.

Some exemptions exist, so contact Alberta Environment to inquire about whether a specific activity requires authorization. Dial 310-0000 to find the Alberta Environment office nearest you.

MANAGING ALBERTA'S WATER

Innovative planning is needed to effectively manage and conserve water for our existing and future water needs.

The department encourages the use of the *Act's* flexible water management tools such as water allocation transfers. Currently authorized in the South Saskatchewan River Basin, these transfers help to ensure community water demands can be met.

The *Act* also recognizes the importance of planning. The *Act* encourages water management plans to be developed to address local and regional issues. Public consultation is a key component of the development of these plans and includes opportunities for local and regional involvement.

ALBERTA'S WATER FOR LIFE STRATEGY

Water for Life – Alberta's Strategy for Sustainability is the Government of Alberta's comprehensive water management plan. *Water for Life* builds upon the principles of the *Water Act* to ensure Alberta's water resources are managed in a sustainable and responsible way.

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Alberta Environment uses a balance of education, prevention and enforcement to ensure compliance with Alberta's environmental legislation.

Where non-compliance is identified either through mandatory reporting or a compliance inspection, all of the circumstances of the alleged contravention are evaluated to determine if the responsible party was duly diligent in their efforts to comply.

Those who do not comply with legislative requirements are held accountable for the effects of their actions on the environment.

If a company or individual did not take reasonable measures to prevent the contravention, enforcement action may result.

THE INVESTIGATION

Investigations may involve taking statements, securing physical evidence and carrying out search warrants.

At the beginning of an investigation, a Notice of Investigation may be sent to the person(s) or company being investigated.

While not a legislative requirement, the notice is to advise someone that Alberta Environment is investigating them and identify what potential offences are on the subject of the investigation.

ENFORCEMENT

Alberta Environment's choice of enforcement responses depends on the circumstances of the particular case and has one or more of the following purposes:

- **Remedy** - to correct non-compliance, to correct the cause of an environmental problem and to prevent or minimize any adverse effects on the environment
- **Deter** - to generally discourage future violators and/or specifically discourage repeated violations by a specific party
- **Penalize** - to impose a monetary, criminal or other penalty on a violator

ENFORCEMENT TOOLS

Alberta Environment has a variety of tools available under the *Environmental Protection and Enhancement Act* and the *Water Act* to ensure compliance, including:

- Written Warnings
- Orders
- Administrative Penalties
- Prosecutions

Written Warnings

Written Warnings are issued when there is the potential for an adverse environmental effect or for minor contraventions. Warnings are normally given to first-time offenders who have committed lesser infractions.

The desired outcome of a warning is to have the recipient voluntarily come into compliance after having been made aware of the offence. Repeated non-compliance may lead to a more significant enforcement response.

Administrative Penalties

Administrative Penalties are monetary penalties designed to deal with minor offences such as failure to file reports required under an approval or code of practice.

An adverse environmental effect does not have to occur in order for an Administrative Penalty to be issued.

Orders

Orders are issued when immediate action is required to prevent or stop an adverse environmental effect.

Alberta Environment issues three types of orders:

- **Environmental Protection Order** - issued to prevent or stop contraventions of the *Environmental Protection and Enhancement Act* and ensure action is taken to fix environmental problems
- **Water Management Order** - issued to prevent or stop contraventions under the *Water Act* and ensure action is taken to fix environmental problems

Compliance and Enforcement Tools

- **Enforcement Order** - issued to compel a regulated party to remedy a contravention and, where appropriate, require actions to prevent future contraventions

Prosecutions

All legislation enforced by Alberta Environment includes provisions for prosecution. Penalties depend on the severity of the contraventions and can include fines and potentially jail time.

Creative Sentencing

Creative sentences are used to make prosecution penalties more meaningful and result in clear benefits for the environment.

Coupled with a standard fine, creative sentences are imposed in situations where a monetary penalty may be inappropriate because of limited financial resources of the accused.

APPEALS

Alberta's environmental legislation allows for companies or individuals to appeal an Order or an Administrative Penalty to the Environmental Appeals Board. All prosecutions may be appealed to a higher court.

FOR MORE INFORMATION

For more information about the compliance and enforcement tools used by Alberta Environment, contact the regional office nearest you.

NORTHERN REGION

Edmonton

#111, Twin Atria Building
4999-98 Avenue
Edmonton, Alberta T6B 2X3
Tel: 780.427.7617
Fax: 780.427.7824

CENTRAL REGION

Red Deer

#304, Provincial Building
4920-51 Street
Red Deer, Alberta, T4N 6K8
Tel: 403.340.7052
Fax: 403.340.5022

SOUTHERN REGION

Calgary

#303, Deerfoot Square Building
2938-11 Street NE
Calgary, Alberta, T2E 7L7
Tel: 403.297.7880
Fax: 403.297.6069



Environmental Protection and Enhancement Act

FACTS AT YOUR FINGERTIPS

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This fact sheet provides a summary of the *Environmental Protection and Enhancement Act*. The official Statutes and Regulations must be consulted for all purposes of interpreting and applying the law.

For a copy of the *Environmental Protection and Enhancement Act*, visit the Queen's Printer at www.qp.gov.ab.ca or call 310-0000 (toll-free across Alberta)

The Environmental Protection and Enhancement Act, proclaimed in 1993, supports and promotes the protection, enhancement and wise use of Alberta's environment.

The *Act* is built on several key principles, including:

- Recognition of the role a high quality environment plays in the integrity of ecosystems, human health and the well-being of society
- Environmental responsibility that ensures economic growth today does not harm the environment for future generations
- Shared responsibility for all Albertans to ensure the protection and wise use of the environment through individual actions
- Government leadership in research, technology and standard development
- Polluter responsibility for their actions

STANDARDS AND GUIDELINES

The *Environmental Protection and Enhancement Act* allows Alberta Environment to develop regulations, standards, guidelines and ambient objectives to protect Alberta's air, land and water.

INVOLVING ALBERTANS

A cornerstone of the *Act* is public involvement in decisions affecting the environment.

Public involvement ranges from participation in environmental assessment and approval processes to the right to appeal certain Alberta Environment decisions to the Environmental Appeals Board.

REVIEWS, APPROVALS AND REGISTRATIONS

Alberta's environmental assessment process ensures environmental protection is considered in the early stages of planning. This process helps predict potential environmental consequences of an activity and minimize any adverse impacts before they occur.

Alberta Environment regulates a wide range of activities under the *Act* through conditions set out in Regulations, approvals and codes of practice.

Conditions detail specific construction, operating and reclamation requirements that activities must meet, such as emission limits, and the type of monitoring and reporting required.

REPORTING RELEASES

Anyone who releases a substance into the environment that could cause environmental harm is required to immediately report the release to Alberta Environment by phoning 1-800-222-6514 or by visiting an Alberta Environment office.

Immediate reporting allows Alberta Environment, and local first response teams, to respond quickly and provide advice on clean up and containment.

COMPLIANCE

Alberta Environment uses a balance of education, prevention and enforcement to ensure compliance with the *Environmental Protection and Enhancement Act*.

Regular inspections and monitoring ensure activities comply with environmental standards and conditions set out in Regulations, approvals and codes of practice during and after operation.

Every suspected violation that comes to the attention of Alberta Environment is assessed and responded to in an appropriate and timely manner.

Various education, prevention and enforcement tools are available under the *Act*, including administrative penalties, enforcement orders, environmental protection orders and prosecutions.

ENVIRONMENTAL APPEALS BOARD

The Environmental Appeals Board (EAB) is an independent tribunal established to hear appeals of certain Alberta Environment decisions made under the *Environmental Protection and Enhancement Act*. For more information on the EAB, visit www.gov.ab.ca/eab



For more information, please visit Alberta Environment's Web site at www.gov.ab.ca/env or phone (780) 427-6267 (dial 310-0000 first to connect toll-free).

Contact Us

To report a spill or environmental emergency call 1-800-222-6514

Alberta Environment Regional Offices

NORTHERN REGION

Edmonton

#111, Twin Atria Building
4999-98 Avenue
Edmonton, Alberta T6B 2X3
Tel: 780.427.7617
Fax: 780.427.7824

CENTRAL REGION

Red Deer

#304, Provincial Building
4920-51 Street
Red Deer, Alberta, T4N 6K8
Tel: 403.340.7052
Fax: 403.340.5022

SOUTHERN REGION

Calgary

#303, Deerfoot Square Building
2938-11 Street NE
Calgary, Alberta, T2E 7L7
Tel: 403.297.7880
Fax: 403.297.6069

To contact your local Alberta Environment office, call the regional office nearest you or dial 310-0000.



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